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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,849	11/14/2003	Kenichi Furukawa	03692/LH	7063

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EXAMINER

HALEY, JOSEPH R

ART UNIT PAPER NUMBER

2627

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,849

Applicant(s)

FURUKAWA ET AL.

Examiner

Joseph Haley

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Naus (US 5107480).

In regard to claim 1, Naus teaches an optical disc reading device for reading a picked-up signal from a rotating optical disc by an optical pickup unit, said optical disc reading device comprising: amplifying means for amplifying the picked-up signal to produce an amplified signal (fig. 1 element 3); and gain control means for controlling a gain of said amplifying means so that a peak level of the amplified signal is fixed (fig. 1 elements 2a and 2b see also column 2 lines 55-60).

In regard to claim 3, Naus teaches wherein said gain control means comprises a peak hold circuit for holding a peak of the picked-up signal to produce a peak held signal (2a), said amplifying means comprising a gain control amplifier for amplifying the picked-up signal by a gain equal to a reciprocal of the peak held signal to produce the amplified signal (column 2 lines 52-54).

In regard to claim 4, see claim 3 rejection above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naus in view of the applicant's admitted prior art.

In regard to claim 2, Naus teaches all the elements of claim 2 except a polarization optical system.

The applicant's admitted prior art teaches a polarization optical system (paragraph 9 lines 11-13).

The two are analogous art because they both deal with the same field of invention of reading from optical discs.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Naus with the polarization optical system of the applicant's admitted prior art. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Naus with the polarization optical system of the applicant's admitted prior art because polarized light can be split and used for different operations such as focusing and tracking.

Claims 5 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Naus in view of Eibner (US 4241455).

In regard to claims 5 and 6, Naus teaches all the elements of claims 5 and 6 except amplifying means comprising a divider for dividing the picked-up signal by the peak held signal to produce a divided result as the amplified signal.

Eibner teaches amplifying means comprising a divider for dividing the picked-up signal by the peak held signal to produce a divided result as the amplified signal (fig. 5 element 59).

The two are analogous art because they both deal with the same field of invention of gain control of digital signals.


At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Naus with the divider of Eibner. The rationale is as follows. At the time of invention it would have been obvious to provide the apparatus of Naus with the divider of Eibner because it would prevent saturation.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jrh 


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